



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	Administrative Action
ANTHONY J. AGUIRRE, R.N.	:	
License No. 26NO12340300	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE NURSING	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Anthony J. Aguirre ("Respondent") is licensed as a registered professional nurse (RN) in the State of New Jersey and has been a licensee at all relevant times.

2. On or about May 13, 2011, Respondent completed and submitted an online biennial license renewal for the period of

June 1, 2009 through May 31, 2011. The online renewal contains a question which asks "Will you have completed the required continuing education credits by May 31, 2011," referring to the biennial renewal period of June 1, 2009 through May 31, 2011. Respondent answered "yes" to the question, and certified that answer to be true by submitting the online application.

3. A Provisional Order of Discipline was filed on October 16, 2012, based upon Respondent's failure to cooperate with a Board inquiry seeking information about Respondent's arrest record, nursing employment, and continuing education. A Final Order of Discipline based upon Respondent's failure to cooperate was filed on February 12, 2013 imposing a two hundred dollar (\$200) civil penalty. Respondent had eventually cooperated and replied to the Board's inquiry by indicating that he was incarcerated for violating a restraining order and maintaining that he was finding it difficult to separate from his wife. Respondent failed to comment as to his continuing education or provide evidence of completion.

4. In January 2013, the Board received Court Orders indicating that Respondent was the defendant in six domestic violence contempt proceedings with a court date of October 23, 2012: Respondent pled guilty in two of the proceedings and the

prosecutor requested the dismissal of the remaining four. As part of his sentence, Respondent was confined to jail for 180 days and placed on probation for four years. Additionally, Respondent's sentence included that he undergo drug/alcohol and psychological/psychiatric evaluations and follow the recommendations thereof. Lastly, the court specifically included in the sentence that "adult supervision [probation department] shall assist Defendant with substance abuse rehabilitation after his custodial sentence is complete."

5. After Respondent was released from jail, the Board received another flagging notice indicating that he had been arrested on January 16, 2013 for Contempt of Court Order (violating the restraining order).

CONCLUSIONS OF LAW

Respondent's guilty pleas to domestic violence contempt of court constitutes a violation of N.J.S.A. 45:1-21(f), as Respondent has been convicted of, or engaged in acts constituting, a crime or offense relating adversely to the practice of nursing. Additionally, based on the requirement of substance abuse rehabilitation as part of his sentence for domestic violence contempt, the Board finds that Respondent is presently (within the last 365 days) engaged in drug or alcohol

abuse that is likely to impair his ability to practice his profession or occupation with reasonable skill and safety within the intendment of N.J.S.A. 45:1-21(1). Respondent's arrest so soon after his release from jail further indicates that Respondent is not safe to practice.

With regards to continuing education, pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Furthermore, a registered professional nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required thirty hours of continuing education for the biennial period of June 1, 2009 through May 31, 2011. The Board finds Respondent in violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45-1:21(e) and also constitutes a violation or failure to comply with a regulation administered by

the Board within the intendment of N.J.S.A. 45-1:21(h).

Further, the Board finds that Respondent's submission of his 2011 renewal, where he answered affirmatively that he had completed, or would complete, the required continuing education, and subsequent failure to provide documentation of completion, constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b). See also N.J.A.C. 13:37-5.3.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline provisionally imposing a suspension, a reprimand, and a two hundred and fifty dollar (\$250) civil penalty was entered on August 16, 2013. A copy was forwarded to the respondent's last known address of record by means of both regular and certified mail. The regular mailing was not returned and the certified mail was signed for and delivered by the United States Postal Service. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all

reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Since the Provisional Order was forwarded to Respondent's address of record as provided when he renewed his license in May 2013, the Board deems service to have been effectuated.

Respondent cannot evade service by failing to provide the Board with a valid address or failing to respond. The record reflects the Provisional Order was served upon the respondent, there is proof of service, the mail was addressed to the correct address of record, and no response has been received to date.

Accordingly, the Board considered the matter and determined that further proceedings were not necessary. As no discrepancies have been raised with respect to the findings and conclusions of the Provisional order, the Board determined that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 11th day of Oct., 2013,

ORDERED that:

1. Respondent's license to practice nursing is hereby suspended for a minimum of two (2) years and until Respondent demonstrates that he is fit, competent, rehabilitated and

provides proof of successful completion of continuing education for all biennial renewal periods from June 1, 2009 to the time of reinstatement, as well as any other regulatory requirements for reinstatement.

2. Prior to any reinstatement, Respondent shall undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program of the Institute for Nursing ("RAMP"), shall participate and follow the recommendations of RAMP, and shall gain RAMP's support for reinstatement.

3. Respondent is hereby reprimanded for violating N.J.S.A. 45:1-21(f).

4. A civil penalty in the amount of two hundred and fifty dollars (\$250) is hereby imposed upon Respondent. Payment of the civil penalty shall be made by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings

as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy* PhD, APRN, FAAN
Patricia Murphy, PhD, APN
Board President